

EXHIBIT 40

DINÉ CITIZENS AGAINST RUINING OUR ENVIRONMENT, *et al.*;

Plaintiffs,

V.

DAVID BERNHARDT, *et al.*;

Federal Defendants.

Case No. 1:19-cv-00703

DECLARATION OF SONIA GRANT

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I, Sonia Gant, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness in these proceedings, I could and would testify competently to these facts. As to those matters which reflect an opinion, they reflect my personal opinion and judgment on the matter.

2. I live in Santa Fe, New Mexico. I am a member and a part-time employee of San Juan Citizens Alliance (SJCA), where I work as the Energy and Climate Researcher. Prior to becoming an employee of SJCA, I was a volunteer with SJCA for one year, from January 2018 January 2019, and I was a summer intern with SJCA for three months in 2015. Founded in 1986, SJCA advocates for clean air, pure water, and healthy lands – the foundations of resilient communities, ecosystems and economies in the San Juan Basin. SJCA works in southwestern Colorado and northwestern New Mexico. The organization maintains offices in Durango, Colorado and Farmington, New Mexico. I work for SJCA from my home in Santa Fe, with frequent travel throughout northwestern New Mexico. I support SJCA's mission both professionally and personally.

3. As SJCA's Energy and Climate Researcher, I advocate for a just transition away from fossil fuel development towards cleaner, renewable energy resources. In particular, I advocate for responsible land management practices that are informed by meaningful consultation with affected tribes and communities, and that take into account the cumulative impacts of energy development for public health, local communities and environments, and the climate. I personally believe strongly in this work.

4. I am also a PhD Candidate in the Department of Anthropology at the University of Chicago (PhD ABD, expected 2020). I have been conducting dissertation research in New Mexico since December 2017. Prior to moving to New Mexico, I visited the Four Corners region – including Chaco Culture National Historical Park and surrounding areas – in the summers of 2015, 2016, and 2017.

5. My dissertation research examines the cultural politics of oil and gas extraction in northwestern New Mexico and Dinétah, part of the Greater Chaco region. I draw on archival and ethnographic research with Diné citizens and communities, scientists, land managers, regulators, industry workers, and environmental advocates. Specifically, my research analyzes the relationship between settler jurisdiction and resource extraction, paying special attention to the how the area's "checkerboard" land status impacts ordinary life, and how oil and gas development is managed and experienced in this jurisdictionally complex space.

6. My research with the Diné Chapters of Counselor, Ojo Encino, and Torreon/Star Lake is authorized by an ethnographic permit granted by the Navajo Nation Historic Preservation Department and supported by each Chapter, and my overall research program is approved by the Social and Behavioral Sciences Institutional Review Board at the University of Chicago.

7. Between my work for SJCA and my research activities, I travel on average once per week to areas near Chaco Culture National Historic Park (CCNHP), sometimes spending several days in the region. I have come to know the area well and I have gained an understanding of the wide range of concerns among community members regarding oil and gas development. I have visited the CCNHP itself 6 times since 2018. For instance, my wife and I camped at the park during the Spring equinox in March 2018 and were fortunate to witness the alignment of the sun with

features of the landscape and Chacoan architecture. I intend to keep visiting CCNHP every two months or so over the following year.



Figure 1 - Our tent at Gallo Campground (Chaco Culture National Historic Park) on March 19, 2018.



Figure 2 - Crowds gathering at dawn at Casa Rinconada (Chaco Culture National Historical Park) to witness the sun the alignment of the sun over the canyon walls and through a window at Casa Rinconada. March 20, 2018.



Figure 3 - Earlier in March of 2018, I visited the Chacoan great house Pueblo Pintado, which lies outside of the main park boundaries. March 5, 2018.



Figure 4 - Hiking with friends during my first visit to Chaco Culture National Historical Park in July 2015.



Figure 5 – View from hiking the South Mesa Trail at Chaco Culture National Historical Park in July 2016.



Figure 6 - Photo taken while hiking the Pueblo Alto trail at Chaco Culture National Historical Park on April 2, 2019.

8. While the architecture, mesas, and the night sky at Chaco Culture National Historical Park are absolutely remarkable and invaluable, there are countless other places within the Greater Chaco region that also offer outstanding natural and cultural beauty, and whose integrity is important for maintaining living cultures and traditions in the area. I frequently stop for hikes in the region outside of the park, for instance at Crow Mesa (where BLM is considering a Master Development Plan that would allow up to 40 new wells), Bisti/De-Na-Zin Wilderness Area, Ah-Shi-Sle-Pah Wilderness Study Area, Crow Canyon, Three Corn, and in areas on tribal trust lands with Diné community members.



Figure 7 - One of the many oil or gas wells viewed during a hike at Crow Mesa on May 6, 2019.

9. Since I began visiting the Greater Chaco region in 2015, I have noticed that it has become more industrialized. I have observed more and more oil and gas development on the landscape, and have noticed that road conditions are deteriorating, especially on small unpaved roads intended for community use (not oil field traffic). New horizontal high-pressure hydraulically

fractured wells that extract oil and gas from the Mancos shale are large-scale industrial operations. These new wells have bigger footprints on the landscape, produce more chemical emissions, and pose an even bigger threat to the region's water sources than the "conventional" wells that have been developed in the San Juan Basin since the 1920s. New wells require the construction of additional roads, which further fragment the landscape. Because of the new development in the area, there is often significant truck traffic. I know from conversations with community members that poor road conditions and heavy oil field traffic can make it difficult for residents to access essential services. Emergency responders have told me it can be difficult to reach homes in inclement weather due to the poor road conditions, and parents have told me that local school buses sometimes have a hard time navigating the roads or are delayed in bringing students to school because they end up behind a long line of tanker trucks.



Figure 8 - A well site in the Greater Chaco region, near Nageezi, New Mexico, visited May 22, 2019.

10. I often travel on backroads to observe oil and gas infrastructure being constructed or operating on federally-managed land, either by myself or as part of a tour led by a community

member. At these well sites, I have seen active drilling, flaring, trucks transporting fluids and sand, wastewater storage, pipeline construction, road construction, and other industrial activities. Near well sites, I have seen large open-air outdoor water containment pools, which store produced water from nearby wells. At these water containment sites, chemicals contained in the water are left to evaporate along with the water itself.

11. My car, a mid-sized hatchback, travels with great difficulty on these back roads, many of which are also community access roads to homes, churches, cemeteries, Chapter Houses, and sacred sites. Sometimes potholes or ruts are so large that I have to park my car and walk to my destination. Road conditions have also impeded my ability to access federally-managed recreation areas, such as Crow Mesa and Crow Canyon. On at least two occasions I have narrowly missed colliding with a large tanker truck that came barreling down a dirt road on its way to or from servicing oil and gas wells.

12. On multiple occasions, I have experienced a headache and a sore throat from spending time in proximity to an oil or gas well that was emitting unpleasant fumes. For example, in October 2018 I participated in a community-led tour of oil and gas wells in Counselor Chapter. We drove through parts of Counselor and stopped to look at active wells. We arrived at one well pad near several homes. One of the wells on the pad was being actively fracked. The chemical odor was so strong that we had to leave within minutes. I was overcome by a powerful headache and scratchy feeling in my throat. Both of these symptoms lasted until about mid-day the following day.



Figure 9 - A well flaring near Counselor Chapter. February 19, 2018.



Figure 10 - A well flaring near Farmington. June 14, 2015.

13. I am aware that the Bureau of Land Management (BLM) Farmington Field Office (FFO) permits the majority of oil and gas wells in the San Juan Basin, which is part of the Greater Chaco region. I understand that since about 2010, the BLM has been approving Applications for Permit to Drill (APD) for high-pressure hydraulically fractured wells targeting oil and gas in the Mancos shale, despite the fact that the current 2003 Resource Management Plan (RMP) for the FFO does not consider the potential effects of this development. Since 2014, the BLM, later in conjunction with the Bureau of Indian Affairs, began developing an Amendment to its RMP that would assess the impacts of Mancos shale development. At the time of writing this declaration, the Resource Management Plan Amendment (RMPA) and accompanying Environmental Impact Statement (EIS) have not yet been completed or released to the public. Communities impacted by Mancos shale development and members of the public across New Mexico thus do not have the assurance that the direct, indirect, and cumulative impacts of this development have been carefully considered prior to the BLM issuing APDs.

14. Further, I am aware that in 2018, the BLM FFO released an updated Reasonably Foreseeable Development Scenario that forecasts the potential for 3,200 new Mancos shale wells within the FFO boundaries, requiring over 60 million barrels of water for fracturing operations. In an arid landscape that is already so densely drilled, I cannot fully imagine the impact that these additional wells would have. I am extremely concerned by the fact that the BLM has continued to permit new wells without first assessing the cumulative impacts of doing so. I fear that these decisions will irreparably harm recreational users like myself by significantly reducing our enjoyment of the Greater Chaco region, and crucially, I fear that these decisions will irreparably harm the public health and well-being of the local communities with whom I work.

15. Given that over 91% of federally-managed lands in the FFO are already leased for oil and gas extraction, I find it sad to see that new development continues to be permitted by the BLM. These permitting actions do not seem to be in line with the principle of multiple-use. I have learned from communities in the area that these lands have many other cultural, traditional, ecological, and recreational uses and values besides fossil fuel development. I fear that even more oil and gas development in the Greater Chaco Landscape will, cumulatively, cause irreparable harm to local ecologies, communities, cultural resources, and the global climate.

16. A ruling in this case in favor of the Plaintiffs would diminish the harms I have experienced while recreating in the Greater Chaco region and make it more likely that my future visits to the region will be more enjoyable and fulfilling.

17. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.



Sonia Grant

July 31, 2019

Date: July 31, 2019